REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The Examiner is thanked for considering claims 15 to 26 to be allowable.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-67 are pending. Claims 1, 51 and 52 are amended, without prejudice. No new matter is added.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Further, the amendments and remarks presented herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

A Petition for Extension of Time - 1 month - is enclosed. If any additional fee is deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

II. 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

Claim 52 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The amendment to claim 52 renders the rejection moot.

Consequently, reconsideration and withdrawal of the Section 112, second paragraph, rejection are respectfully requested.

III. 35 U.S.C. §§ 102/103 REJECTION

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chem. Abstract 134: 183490; and claims 1-14, 51 and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Chem. Abstract or U.S. Patent No. 4,670,417 or WO 0146291.

Although Applicants disagree with the Examiner's reasoning, the amendments to the claims render the rejections moot. That is, none of the cited documents teach, enable, suggest or motivate a skilled artisan to practice, for example, a compound of the formula I-A1 wherein the PAG residue has a molecular weight of about 10,000 to about 40,000 Daltons when X is O. The Section 102 and 103 rejections, therefore, should be removed.

Further, even assuming, *arguendo*, that one skilled in the art would take any of these three documents in order to extrapolate the instant invention therefrom, such an endeavor would amount to, at most, an "obvious to try" scenario. The Federal Circuit is quite clear, however, that "obvious to try" cannot be the basis for rendering an invention unpatentable. *In re Fine,* 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). And as "obvious to try" would be the only standard that would lend the Section 103 rejection any viability, the rejection must fail as a matter of law.

Accordingly, reconsideration and withdrawal of the Section 102 and 103 rejections based on the preceding documents are respectfully requested.

CONCLUSION

In view of the remarks herewith, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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